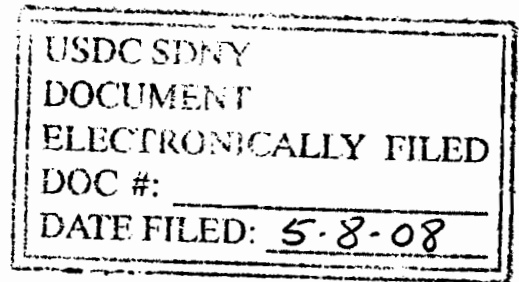


Helen F. Dalton & Associates, PC  
Roman Avshalumov (RA 5508)  
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Forest Hills, NY 11375  
Telephone: 718-263-9591  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
JOSE REFUGIO CARRERA on his own behalf and,  
on behalf of others similarly situated,

Index No.: 08-1718 (*TSR*)

Plaintiff,

STIPULATION AND ORDER OF  
DISMISSAL

-against-

S.M.E. HOLDING CORP., d.b.a KEY FOOD,  
and SALVATORE BONAVITA, an individual,

Electronically Filed

Defendants.

-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the parties in the above captioned action, through the undersigned counsel, that the action (and all claims and causes of action that were or could have been asserted in it) be withdrawn, discontinued and dismissed, with prejudice, in accordance with Rule 41 of the Federal Rules of Civil Procedure, and each party is to bear its own costs.

Dated: May 2, 2008

HELEN F. DALTON & ASSOCIATES, P.C.

FULBRIGHT & JAWORSKI L.L.P.

By: *Roman Avshalumov*  
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Attorneys for Plaintiff

By: *Neil Sparber* *JS*  
Neil Sparber  
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New York, New York 10103  
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Attorneys for Defendants

SO ORDERED.

Dated: 5/7/08, 2008

*Jed R. Rakoff*  
United States District Judge